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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Alain BETHUNE

Group Art Unit: 1734

Application No.: 09/688,961

Examiner: J. Lorengo

Filed: October 17, 2000

Docket No.: 107615

For: METHOD OF HOT MARKING, AND A MULTILAYER STRUCTURE FOR
IMPLEMENTING SUCH A METHOD

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the September 21, 2004 Election of Species Requirement, Applicant provisionally elects Species A (claims 1, 3-13, 21, 22, 24-26, 28-43, 56 and 57), with traverse. At least the foregoing claims read on the elected species. Further, Applicant submits that at least claim 1 is generic to the alleged species summarized in the Requirement, the elected species including therein the concepts recited in the allegedly different species of Groups B, C and D (see, for example, claims 5, 7 and 11 of the elected group of claims).

It is also respectfully submitted that the subject matter of all the species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Again, note that the subject matter of the non-elected species B-D is also included in the elected claims as discussed above. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and

examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Finally, Applicant notes that upon allowance of a generic claim, all of the remaining claims in the groups of non-elected species should be rejoined with the application and similarly allowed.

Respectfully submitted,



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WPB:CWB/wp

Date: October 15, 2004

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